

JPS
United States Courthouse
Judge J.P. Stadtmueller
517 E. Wisconsin Avenue
Milwaukee, WI 53121

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

FBI
AUSA WALL
AUSA PROCTOR

Re: 15-CR-115 "Farmland" case

2018 SEP 10 P 1:20

STEPHEN C. DRIES
CLERK

Judge Stadtmueller:

As you are aware, I recently filed a pro se Petition for Rehearing on my 15-CR-115 "Farmland" case based on the Seventh Circuit Court of Appeals' August 6, 2018, decision.

One of the issues I raised was that appellate Attorney Peter Henderson failed to address sufficiently the premature acceptance and adoption of the magistrate's Report and Recommendation on Change of Plea.

According to the aforementioned Report and Recommendation of December 7, 2016, (attached):

"Your attention is directed to 28 U.S.C. §§ 636(b)(1)(B) and (C), Fed. R. Crim. P. 59(b), and E.D. Wis. Gen. L.R. 72(c), whereby written objections to any recommendation herein, or part thereof, may be filed within fourteen days of service of this Recommendation or prior to the Final Pretrial Conference, whichever is earlier."

With all due respect intended, instead of waiting fourteen days as required under 59(b), this Court accepted the Report and Recommendation after only five days, on December 12, 2016.

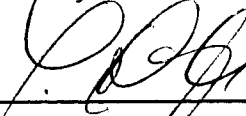
There is also the strong likelihood that I did not receive the Recommendation the same day it was generated via U.S. mail.

Further, as the Final Pretrial Conference was held on November 22, 2016, prior to trial, prior to me pleading guilty, I was afforded no opportunity to raise objections and, more importantly, no opportunity to withdraw my guilty plea on a defective original indictment and time-barred superseding indictment, robbing me of my right to due process, that is, the right to receive notice and the right to respond.

If this Honorable Court would be so kind as to have the clerk identify and forward to me other cases in which the Court accepted and adopted Report and Recommendations on a Change of Plea prematurely, I would be extremely grateful.

I look forward to hearing back from the Court.

Respectfully submitted,



Todd Dyer